

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
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Attorneys for Third Party Defendant Fisher Marantz Stone, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

E. ALLEN REEVES, INC., :
 :
 :
 Plaintiff, : Civil Action No.
 v. : 3:10-CV-01393-JAP-TJB
 :
 MICHAEL GRAVES & ASSOCIATES, INC. :
 :
 :
 Defendant : NOTICE OF MOTION TO DISMISS
 : COMPLAINT IN LIEU OF ANSWER
 MICHAEL GRAVES & ASSOCIATES, INC. : ON BEHALF OF THIRD PARTY
 : DEFENDANT FISHER MARANTZ
 Counterclaimant, : STONE, INC.
 v. :
 :
 E. ALLEN REEVES, INC. : (Electronically Filed)
 :
 Counterdefendant :
 :
 MICHAEL GRAVES & ASSOCIATES, INC. :
 :
 Third Party Plaintiff, :
 v. :
 :
 DAVID CHOU & ASSOCIATES; KELTER & :
 GILLIGO CONSULTING ENGINEERS; :
 FISHER MARANTZ STONE, INC.; THE :
 ARTS COUNCIL OF PRINCETON; SAL :
 ARNONE; JOHN DOES 1-50, :
 :
 Third Party Defendants :

TO: RAYMOND J. MICHAUD, III
MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN
200 LAKE DRIVE EAST, SUITE 300
CHERRY HILL, NJ 08002
Attorneys for Third Party Plaintiff

Michael Graves & Associates, Inc.

DEAR COUNSEL:

PLEASE TAKE NOTICE that on OCTOBER 4, 2010, at 9:00 o'clock in the forenoon or as soon thereafter as counsel may be heard, the undersigned, attorneys for Third Party Defendant Fisher Marantz Stone, Inc., will apply to the United States District Court, for an Order dismissing the Third Party Complaint asserted by Michael Graves & Associates with prejudice pursuant to Rule 12(b)(1) for lack of subject matter jurisdiction.

PLEASE TAKE FURTHER NOTICE that in support of the within application reliance will be placed on the annexed Statement of Facts and Memorandum of Law along with a Certification of Counsel with Exhibits such as the Affidavit of Charles Stone.

PLEASE TAKE FURTHER NOTICE that the undersigned requests oral argument if opposed.

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP
Attorneys for Third Party Defendant Fisher
Marantz Stone, Inc.

By: s/ Joanna Piorek
Joanna Piorek

Dated: September 8, 2010